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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,318	03/14/2002	Andrew Gordon Stuart Munyard	BRI-00061	1537
7590	06/29/2004		EXAMINER	
Philip R Warn Warn Burgess & Hoffmann 691 North Squirrel Road Suite BL25 Auburn Hills, MI 48326			SHAFER, RICKY D	
			ART UNIT	PAPER NUMBER
			2872	
DATE MAILED: 06/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/088,318	MUNYARD ET AL.
	Examiner Ricky D. Shafer	Art Unit 2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 March 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 and 21 is/are rejected.
- 7) Claim(s) 18-20 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 March 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Pent ('932).

Pent discloses a mirror assembly comprising a mirror support (34) for holding a mirror (36), a base portion (2), a pivoting joint (50) between said mirror support and said base portion that allows said mirror support to pivot with respect to said base portion, a pair of links (22) extending between said mirror support and said base portion, a first end (adjacent element 30) of each said link is held with respect to either said mirror support or base portion and a pair of apertures (the opening of element 24) in either said mirror support or said base portion into which second ends of said links locates, there being a tight sliding fit between said apertures and said links which allows said links to move through said apertures so the mirror support may be adjusted with respect to said base portion, which acts to prevent unwanted movement of the mirror support during normal use. Note figures 1 and 2 along with the associated description thereof.

3. Claims 1-3 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Fisher ('295).

Fisher discloses a mirror assembly comprising a mirror support (12) for holding a mirror, a base portion (10), a pivoting joint (22,24) between said mirror support and said base portion that allows said mirror support to pivot with respect to said base portion, a pair of links (14)

extending between said mirror support and said base portion, a first end (adjacent element 15) of each said link is held with respect to either said mirror support or base portion and a pair of apertures (the threaded opening for element 14) in either said mirror support or said base portion into which second ends of said links locates, there being a tight sliding fit between said apertures and said links which allows said links to move through said apertures so the mirror support may be adjusted with respect to said base portion, which acts to prevent unwanted movement of the mirror support during normal use, wherein said first end of each said link includes a ball which is received within a socket (15) of the mirror support. Note figures 2 and 6 along with the associated description thereof.

4. Claims 1, 2 and 4-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuhr ('255).

Fuhr discloses a mirror assembly comprising a mirror support (2) for holding a mirror, a base portion (3), a pivoting joint (4) between said mirror support and said base portion that allows said mirror support to pivot with respect to said base portion, a link (13) extending between said mirror support and said base portion, a first end of said link is held with respect to either said mirror support or base portion and an aperture (33) in either said mirror support or said base portion into which a second end of said link locates, there being a tight sliding fit between said aperture and said link which allows said link to move through said aperture so the mirror support may be adjusted with respect to said base portion, which acts to prevent unwanted movement of the mirror support during normal use, wherein said link is pivotally attached to said mirror support (see Fig. 6), wherein said apertures includes a pair of movable walls (22,23) having a force member/spring (28-30,34,35,36-38) and a frame (24,26,27), wherein said link

comprises a flat elongated member (21) having a rectangular cross-section. Note figures 1 to 6 along with the associated description thereof.

5. Claims 1-5, 8, 9, 11, 12, 14, 16, 17 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagayama et al ('505).

Nagayama et al discloses a mirror assembly comprising a mirror support (3) for holding a mirror (4), a base portion (1), a pivoting joint (2) between said mirror support and said base portion that allows said mirror support to pivot with respect to said base portion, a pair of links (51,52) extending between said mirror support and said base portion, a first end (57) of each said link is held with respect to either said mirror support or base portion and a pair of apertures (defined between elements 121) in either said mirror support or said base portion into which second ends (54) of said links locates, there being a tight sliding fit between said apertures and said links which allows said links to move through said apertures so the mirror support may be adjusted with respect to said base portion, which acts to prevent unwanted movement of the mirror support during normal use, wherein said first end of each said link includes a ball (15) which is received within a socket of the mirror support and each of said links comprises an flat elongated member (56), and wherein said apertures includes a pair of movable walls (122) having a force member (13) and a frame (171). Note figures 5 and 7 to 19 along with the associated description thereof.

6. Claims 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

June 22, 2004

*Ricky D. Shafer*  
RICKY D. SHAFER  
PATENT EXAMINER  
ART UNIT 2872